Government
Publications

ONTARIO

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

59TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1964

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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ONTARIO

THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
R. L. KENNEDY (Appointed February 15th, 1951)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
D. JAMIESON (Appointed December 1st, 1955)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. SHUB, Q.C. (Appointed June 1st, 1963)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member

B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what has come to be known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities much of which was exercised at one time by the Executive Council of the province or by the Legislature.

As a tribunal the Board is subjected in law to the rules of natural justice which, as applied in this case, could be stated as follows:

1: The tribunal shall be free from bias.

2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings:

1: Constitution, Boundary Revision and Dissolution of Municipalities.

2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.

3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.

4: Assessment.

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

During the year the Board ordered the incorporation of two villages. Given in Schedule "A" to this report is a list of one amalgamation and seventeen annexations ordered by the Board during the year. This compares with thirteen annexations ordered in the year 1963.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

In the year 1964 the Board achieved a much wider acceptance of its procedure whereby municipalities choosing to do so file with the Board a five-year forecast of their anticipated capital expenditures and based thereon the Board establishes a quota for such municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with all desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
Cities	31
Towns	72
Townships	31
Villages	9
Improvement Districts	nil
Total :	168

It has been possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been determined at the beginning of the year.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

Year	Number	Amount
1960	2,415	$ 317,940,371.21
1961	2,299	274,132,977.37
1962	2,344	391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95

Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1964 the Board received 40 applications from the Commission having a total value of $14,114,125.00.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

Section 30 of that Act gives the Board power to approve by-laws regulating land use passed by municipal councils and in certain cases the power to require a council to amend such a by-law. These powers are very far-reaching and require the greatest care and consideration on the part of the Board because of the control involved over the actions of elected representatives and because of the grave importance of the subject matter of the by-laws.

In this as in all areas of the Board's jurisdiction respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	1964	1963	1962
Applications for approval of restricted area by-laws	1134	1001	939
Applications for approval of plans of redevelopment	1	5	2
Applications for approval of proposed plans of sub-division	29	18	22
Applications for approval of official plan amendments	25	31	47
Appeals to Board for a direction that a restricted area by-law be amended by council	45	39	46
Appeals from committees of adjustment	162	153	129

SECTION 4

Assessment Appeals

During the year 1964 assessment appeals were made to the Board under the several statutes as follows:

The Assessment Act	236
The Local Improvement Act	5
The Municipal Tax Assistance Act	1

There were also filed during the year six appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION FOR LANDS TAKEN OR INJURIOUSLY AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1964 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	1964	1963
The Conservation Authorities Act	19	27
The Expropriating Procedures Act, 1962-63	1	--
The Highway Improvement Act	43	42
The Municipal Act	45	23
The Ontario Municipal Board Act	2	--
The Ontario Water Resources Commission Act	13	7
The Power Commission Act	1	--
The Public Works Act	2	--
Others	6	11

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PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1964, and the preceding six years. In comformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1964.

Fiscal Year	Amount
1957-58	$ 272,339.09
1958-59	328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91
1962-63	319,086.12
1963-64	308,631.05

The revenues of the Board for the calendar year 1964 amounted to $361,173.79.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

B. VICKERS
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 59TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD

for the year 1964, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

DECISIONS GRANTING ANNEXATIONS - 1964

Date of Decision	To	From	Effective Date	Area
Dec. 2nd, 1963	Barrie, City	Vespra Township	Jan. 1st, 1964	1,530.00 acres
Oct. 19th, 1964	Beaverton Village	Thorah Township	Jan. 1st, 1965	3.26 acres
May 25th, 1964	Burlington Town	Hamilton City	Jan. 1st, 1965	-
Oct. 19th, 1964	Cobourg Town	Hamilton Township	Jan. 1st, 1965	33.00 acres
Dec. 9th, 1963	Guelph City	Guelph Township	Jan. 1st, 1964	2.48 acres
Mar. 26th, 1964	Gananoque Town	Front of Leeds & Lansdowne Townships	Aug. 1st, 1964	29.40 acres
June 19th, 1964	Hanover Town	Brant Township	Sept.1st, 1964	25.00 acres
Oct. 19th, 1964	Huntsville Town	Chaffey Township	Jan. 1st, 1965	4.28 acres
Jan. 30th, 1964	Kitchener City	Waterloo City	Feb. 1st, 1964	0.46 acres
July 27th, 1964	Leamington Town	Mersea Township	Aug. 1st, 1964	11.12 acres
June 23rd, 1964	Midland Town	Tay and Tiny Townships	Jan. 1st, 1965	1,422.80 acres
May 11th, 1964	Port Elgin Town	Saugeen Township	Jan. 1st, 1965	320.00 acres
Oct. 27th, 1964	Rayside Township	Snider Township	Jan. 1st, 1965	-
June 9th, 1964	South Elmsley Township	Smith's Falls Town	July 1st, 1964	1.315 acres
Mar. 13th, 1964	Wallaceburg Town	Gore of Chatham Twp. and Chatham Township	Jan. 1st, 1965	-
June 30th, 1964	Waterloo City	Waterloo Township	Jan. 1st, 1965	1,596.41 acres
Apr. 24th, 1964	Wasaga Beach Village	Sunnidale and Flos Townships	Jan. 1st, 1964	1,636.80 acres 337.50 acres

AMALGAMATION GRANTED - 1964

Nov. 23rd, 1964	Thessalon Township	Nesterville Town	Jan. 1st, 1965

This is SCHEDULE "B" to the 59TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD

for the year 1964, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1964

I - MUNICIPAL

	Amount Approved	1964	1963
(1) General Government			
Civic Buildings	$ 11,575,248.05		
Civic Equipment	268,341.86	$ 11,843,589.91	$ 21,720,652.03
(2) Protection to Persons & Property			
Fire	2,503,755.20		
Police	373,993.00		
Street Lighting	659,798.71	3,537,546.91	2,444,305.94
(3) Public Works			
(a) Grade Separations	19,566.82		
Streets, Roads, and Lanes	63,733,161.10		
Sidewalks	5,058,973.35		
Bridges	15,696,487.97		
Tunnels & Subways	78,114,443.00		
Road Machinery	597,435.98		
Conservation	395,544.50		
Waterways	557,476.00		
Workshops, Yards	446,400.00	164,619,488.72	111,760,417.49
(b) Watermains	21,193,492.98		
Storm Sewers	33,709,866.60	54,903,359.58	46,222,710.41
(4) Sanitation and Waste Removal			
Sanitary Sewers	19,766,966.44		
Sewage Disposal	10,710,095.33		
Garbage	231,500.00		
Street Cleaning	690,686.00		
Air Pollution	100,000.00	31,499,247.77	42,360,168.76
(5) Health			
Health Clinics	469,610.00		
Hospitals	4,803,248.95	5,272,858.95	5,181,745.75
(6) Social Welfare			
Homes for the Aged	8,279,421.53	8,279,421.53	13,632,378.00
(7) Recreation Services			
Amusement Parks	8,923,960.35		
Swimming Pools	967,715.82		
Skating Rinks	2,465,079.00		
Community Centres	533,226.60	12,889,981.77	7,737,861.94
(8) Community Services			
Theatre Art Galleries	5,600,000.00		
Libraries	2,219,335.00		
Museums, Markets	78,760.00		
Housing	6,242,750.00	14,140,845.00	3,965,750.00
Total General Government		$306,986,340.14	$255,025,990.32

II - EDUCATION

Elementary Schools	$62,980,141.09		
Secondary Schools	65,723,015.80	$128,703,156.89	$102,559,520.07

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	400,000.00		
Electric Utilities	9,937,100.74		
Water Works	6,307,356.18		
Municipal Telephones	542,597.00		
Transportation	455,560.00		
Acquisition of Lands	14,671,959.00		
Others - including Parking Lots	8,790,400.00	$ 41,104,972.92	$ 25,327,620.56

S U M M A R Y

General Government	$306,986,340.14	$255,025,990.32
Education	128,703,156.89	102,559,520.07
Municipal Enterprises	41,104,972.92	25,327,620.56
	$476,794,469.95	$382,913,130.95